

CITY COUNCIL OF THE CITY OF ANNAPOLIS

ORDINANCE NO. O-38-04Amended

Introduced by Alderwoman Carter

LEGISLATIVE HISTORY

First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
12/13/04	2/28/05	2/28/05	n/a

Referred to:	Meeting Date:	Action Taken:
Rules Committee	5/4/05	Favorable
Planning Commission	10/21/04	Recommends denial of application

AN ORDINANCE concerning

Rezoning of 1244 and 1248 Tyler Avenue (Crain)

FOR the purpose of amending the existing zoning classification for the property located at 1244 and 1248 Tyler Avenue from R2, Single Family Residence District, to B2, Community Shopping District; and matters generally relating to said zoning map amendment.

* * * * *

WHEREAS, the Annapolis City Council received a rezoning application from 3809 Crain Limited Partnership to rezone 1.0217 acres located at 1244 and 1248 Tyler Avenue from its current zoning of R2, Single Family Residence District, to B2, Community Shopping District; and

WHEREAS, the Annapolis City Council heard and received the report and recommendations of the Department of Planning and Zoning and the Planning Commission of the City of Annapolis upon said application on December 13, 2004; and

WHEREAS, the Annapolis City Council conducted a public hearing in conjunction with the application on December 13, 2004; and

WHEREAS, the Annapolis City Council now wishes to amend the zoning classification of the Property in conformance with the 1998 Annapolis Comprehensive Plan recommendation for a mixture of uses; and

WHEREAS, having considered the application, testimony and evidence presented, and the report and recommendations of the Planning Commission and the Department of Planning and Zoning, and having weighed the evidence and judged the credibility of witnesses appearing before it, the City Council makes the following findings of fact as required by Section 21.84.060.B. of the City Code of Annapolis:

FINDINGS

(This italicized section is to be replaced by the findings required by:

Section 21.84.060—Action by city council.

——— A. ——— The city council shall not act upon the application until it has received a written report and recommendation from the planning commission on the proposed amendment.

——— B. ——— The city council shall make findings of fact in each specific case including, but not limited to, the following matters: Population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission, and the relationship of the proposed amendment to the city's plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.)

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the B2, Community Shopping District, is hereby approved for the Property as shown in the following Sigma Engineering, Inc. maps: Portion of Tax Map Showing Existing Zoning Classification, — Portion of Tax Map Showing Proposing Zoning Classification, Topographic Map Showing Existing Zoning Classifications, and Topographic Map Showing Proposed Zoning Classifications. Copies of these maps are attached hereto and incorporated herein by reference. True copies of the Zoning Maps as adopted by this ordinance shall be maintained permanently in the Department of Planning and Zoning.

FINDINGS BY THE CITY COUNCIL:

1 A. The parcels of land which are the subject of this rezoning are located to the
2 northwest of the intersection of Tyler Avenue and Forest Drive and are adjacent to the
3 Annapolis Seafood Market. The property is developed with two residential dwellings. The
4 applicants are the owners of the property and seek to change the zoning classification from
5 R2 to B2.

6
7 B. The City Council finds that there has been a change in the character of the
8 neighborhood of the property sufficient to warrant a rezoning.

9
10 C. The rezoning of the property is in conformance with the laws of the State of
11 Maryland and of the City of Annapolis, and, as required under Section 21.84.060 B of the
12 Code of the City of Annapolis, the City Council finds the following:

13
14 1. Population Change

15
16 According to data provided by the Applicant, the City of Annapolis is expected to grow
17 slightly over the next decade. In 1990, the City's population was 33,187; it rose to 35,207
18 in 2000. The projected population in 2010 is 36,361. In 2015, the population is projected
19 to be 35,264. The trend is estimated to continue, with a projected population of 34,078 in
20 the City in the year 2020.

21
22 2. Availability of Public Facilities

23
24 Electric utilities, public water service, public sewer service, and all other municipal services
25 are currently available to the subject Property. The Property is also adequately served by
26 an existing road infrastructure. No public school facilities are adversely implicated in this
27 application.

28
29 3. Present and Future Transportation Patterns

30
31 Forest Drive is a heavily trafficked road, but the shopping and retail uses permitted in the
32 B2 District would serve the needs of those living near and traveling along the busy route.
33 Neighborhood commercial retail uses should result in a reduction in the number of vehicle
34 trips traveling the full length of Forest Drive.

35
36 4. Compatibility with Existing and Proposed Development

37
38 For many years, commercial uses have abutted residential properties in the vicinity of the
39 property, which relationship supports the presumption of compatibility. The rezoning of the
40 property and the expansion of the B2 District will more clearly delineate the separation of
41 commercial and residential uses in the neighborhood and will provide for a more rational

1 pattern of zoning districts in the area. The rezoning will allow for an opportunity to increase
2 and expand landscape buffers and to further protect the adjacent residential neighborhood.

3
4 5. Recommendation of the Planning Commission
5

6 Prior to the City Council's public hearing on the applicant's rezoning request, the Planning
7 Commission held a public hearing and considered the requested rezoning. The Planning
8 Commission recommended against the rezoning request, and the City Council considered
9 the Planning Commission's findings and recommendation during its deliberation on the
10 request.

11
12 6. Compliance with the Comprehensive Plan
13

14 The Comprehensive Plan identifies the subject area as a commercial center on the
15 neighborhoods plan at Figure 1; as a local retail place of employment on an existing major
16 corridor on the Economy Plan at Figure 2; as commercial on the existing Generalized Land
17 Use Plan at Figure 7; as B2 community shopping on the City of Annapolis Zoning Map at
18 Figure 8; as commercial on the Future Land Use Plan at Figure 9; as located on a major
19 arterial on the Long Term Roadway Plan at Figure 11; as part of an existing transit route
20 on the Transit and Bicycle Routes Plan at Figure 12; as devoid of environmental features
21 as indicated on the Sensitive Area Plan at Figure 15; and as located on an existing major
22 corridor on the Urban Design Framework Plan found on Figure 16. Rezoning the property
23 to the B2 District is consistent with each of these designations and promotes the Expanded
24 Commercial Land Use Designation at Figure 9, which contains boundaries of an anticipated
25 commercial node that encompass the property.

26
27 7. Change or Mistake to Warrant a Rezoning of the Property
28

29 In order for a governing body to approve an individual, or "piecemeal", rezoning
30 request, it must find that there was a mistake in the original zoning classification assigned
31 to the property or that there has been a change in the character of the neighborhood of the
32 property sufficient to warrant a rezoning. A governing body may find that either change or
33 mistake or both occurred in granting the request. The applicant argued, and the Council
34 finds, that a change in the character of the neighborhood warrants the requested rezoning.

35 The applicant clearly delineated the "neighborhood", or the immediate environs
36 surrounding the subject property, on graphic exhibits and in testimony at the Council's
37 public hearing on the requested rezoning. The neighborhood is generally bounded by
38 Hilltop Lane to the north, by Bay Ridge Avenue and the City's jurisdictional boundary to the
39 east and south, and by Harness Creek Road and various neighborhood streets to the west.

40 The property was originally zoned in 1970 and has not been comprehensively
41 rezoned since that time. In the intervening thirty-five years, there have been significant
42 changes in the neighborhood. Forest Drive, which runs by the property and through the

neighborhood, has doubled in width from a two-lane street to a four-lane divided road. The traffic volume along Forest Drive has increased several times over since 1970, with vehicle trips increasing from a few thousand trips per day in 1970 to 32,000+ trips per day at present. There have also been numerous annexations within the neighborhood of the subject property, which resulted in the extension of public utilities throughout the neighborhood and an increase in population.

In 1981, a rezoning was approved in the neighborhood. What was then known as the Mt. Moriah church property was rezoned in Ordinance No. O-27-81, and the site is now developed with the Greystone Building. The Mt. Moriah rezoning was approved by the City Council after it determined that a substantial change in the character of the neighborhood warranted the rezoning from a residential district to a commercial district.

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SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this 23rd day of May, 2005.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, MMC
City Clerk

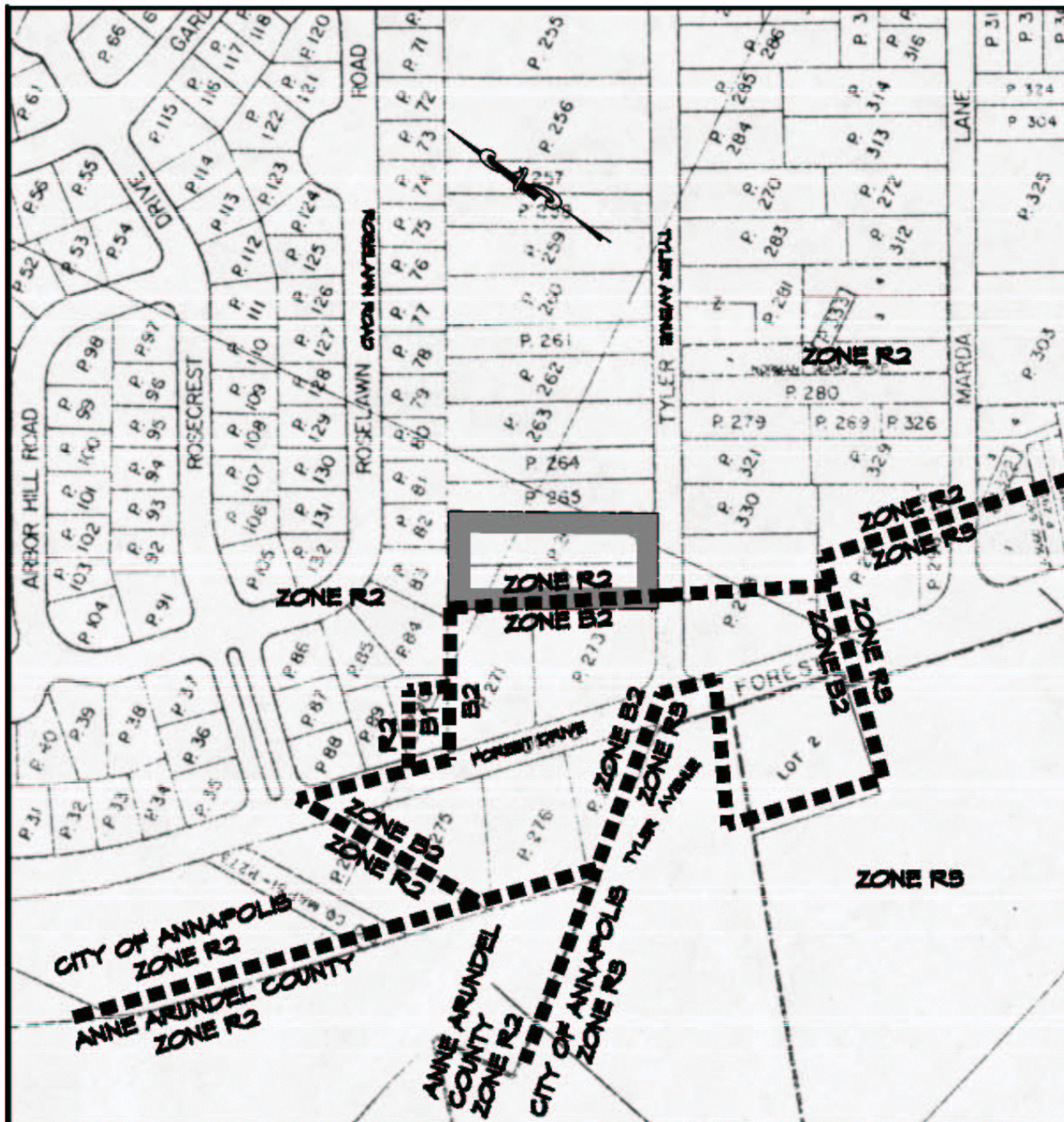
BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Highlighting indicates matter added to existing law.

~~Strike Out indicates matter deleted from existing law.~~

Underlining indicates amendments.



EXISTING ZONING TAX MAP

SCALE: 1"=200'



**43 OLD SOLOMONS ISLAND ROAD
SUITE 201
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599
FAX (410) 266-3871**

SCALE: AS SHOWN

DATE: MAR. 30, 20

DRAWN BY: WR

DESIGNED BY: WR

CHECKED BY: VWH

JOB NO. 98-18

SHEET 2 OF 2

REZONING PLAN

BOOF GRAN LIMITED PARTNERSHIP

1244 & 1245 TYLER AVENUE

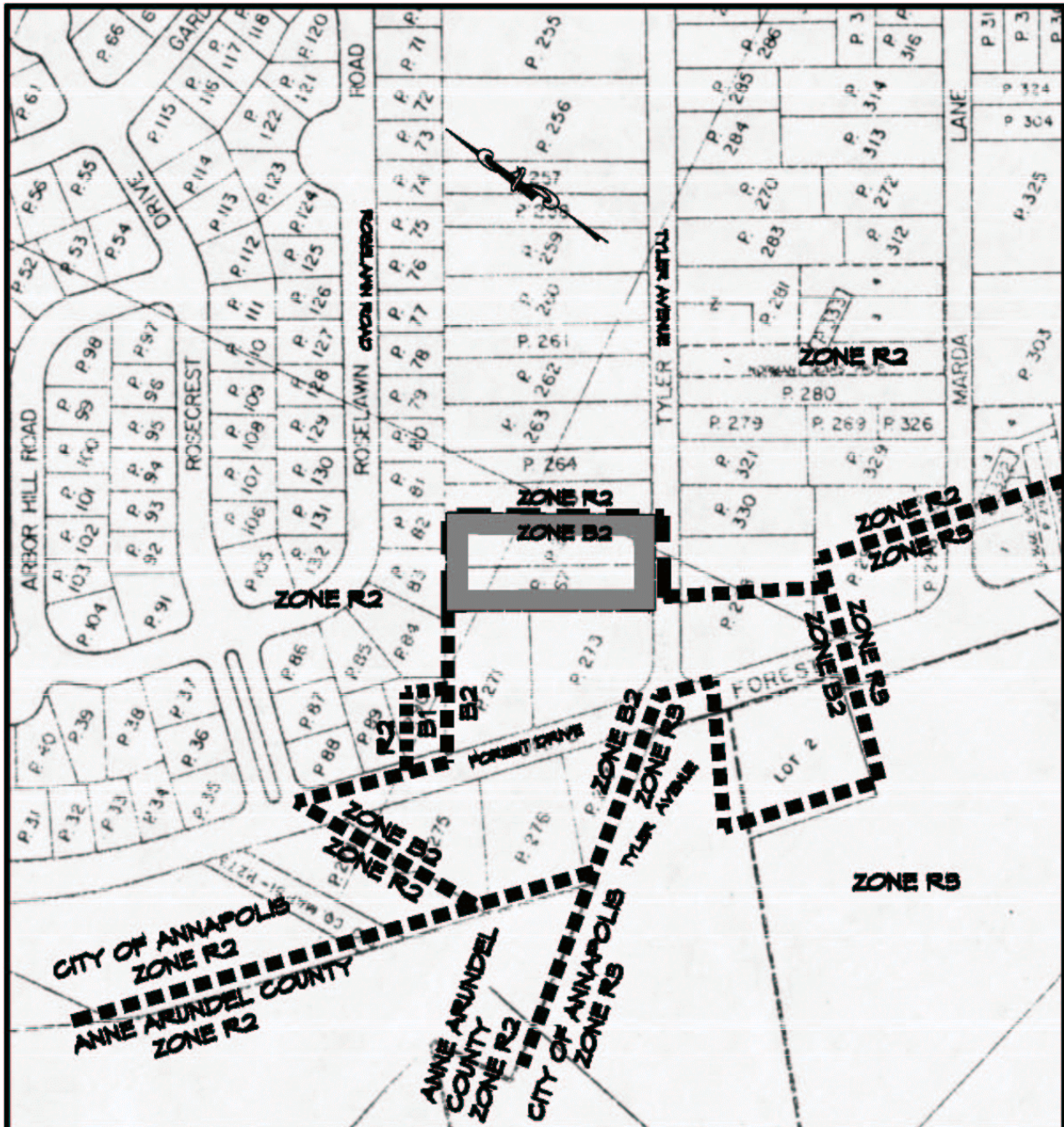
TAX MAP: 14Z BLOCK: 20

PARCEL: 266, 267
1ST ELECTION DISTRICT

ANNE ARUNDEL COUNTY, MARYLAND

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PROPOSED ZONING TAX MAP

SCALE: 1"=200'

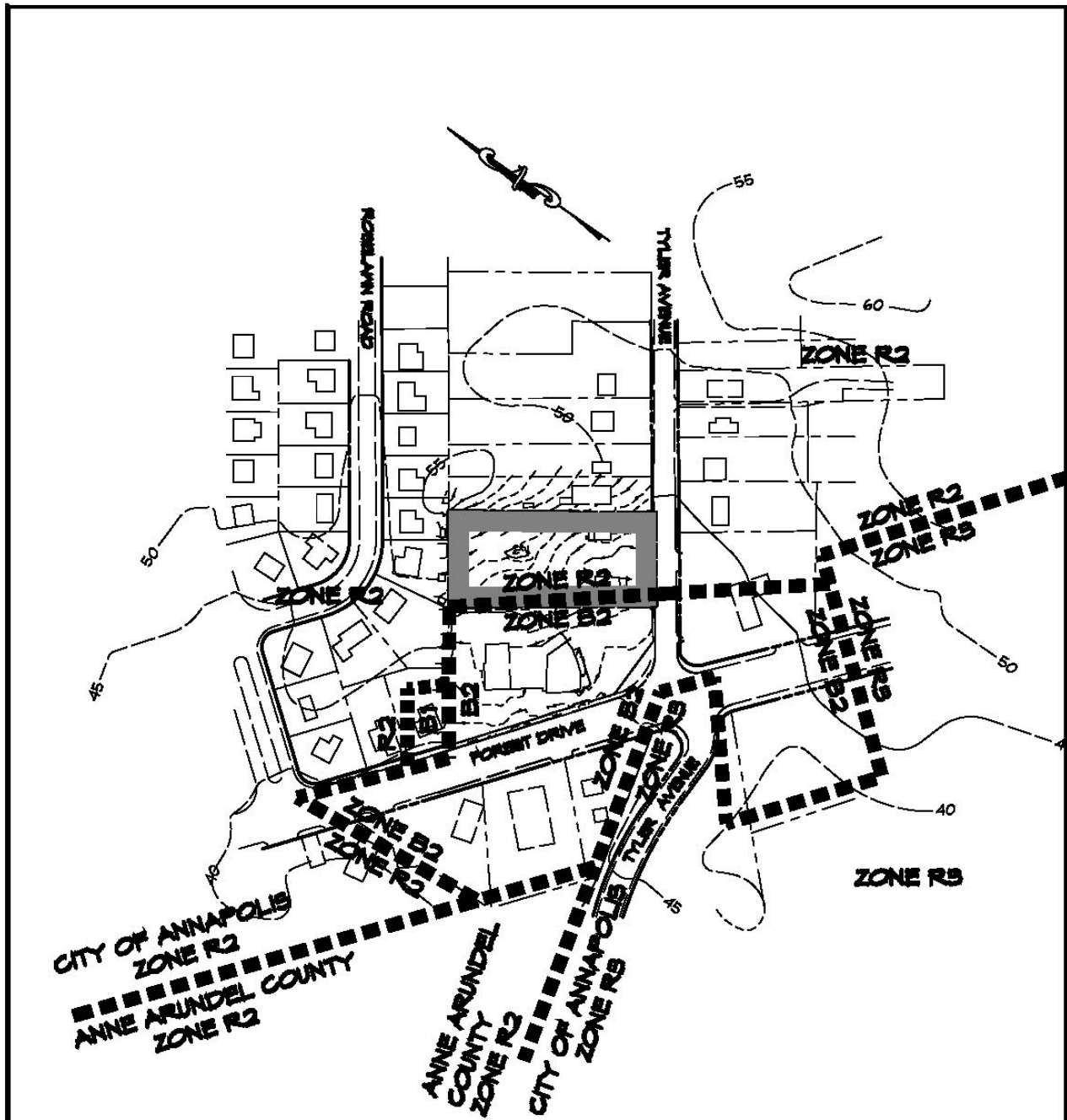


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SHEET 2 OF 2

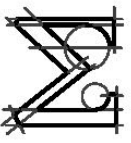
REZONING PLAN
BBOI CRAN LIMITED PARTNERSHIP
1244 & 1246 TYLER AVENUE
TAX MAP: 14Z BLOCK: 20
PARCEL: 266, 267
6TH ELECTION DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND
\\SIGMA\PROJECTS\98-18\BBOI\REZONING-SHT2.DWG

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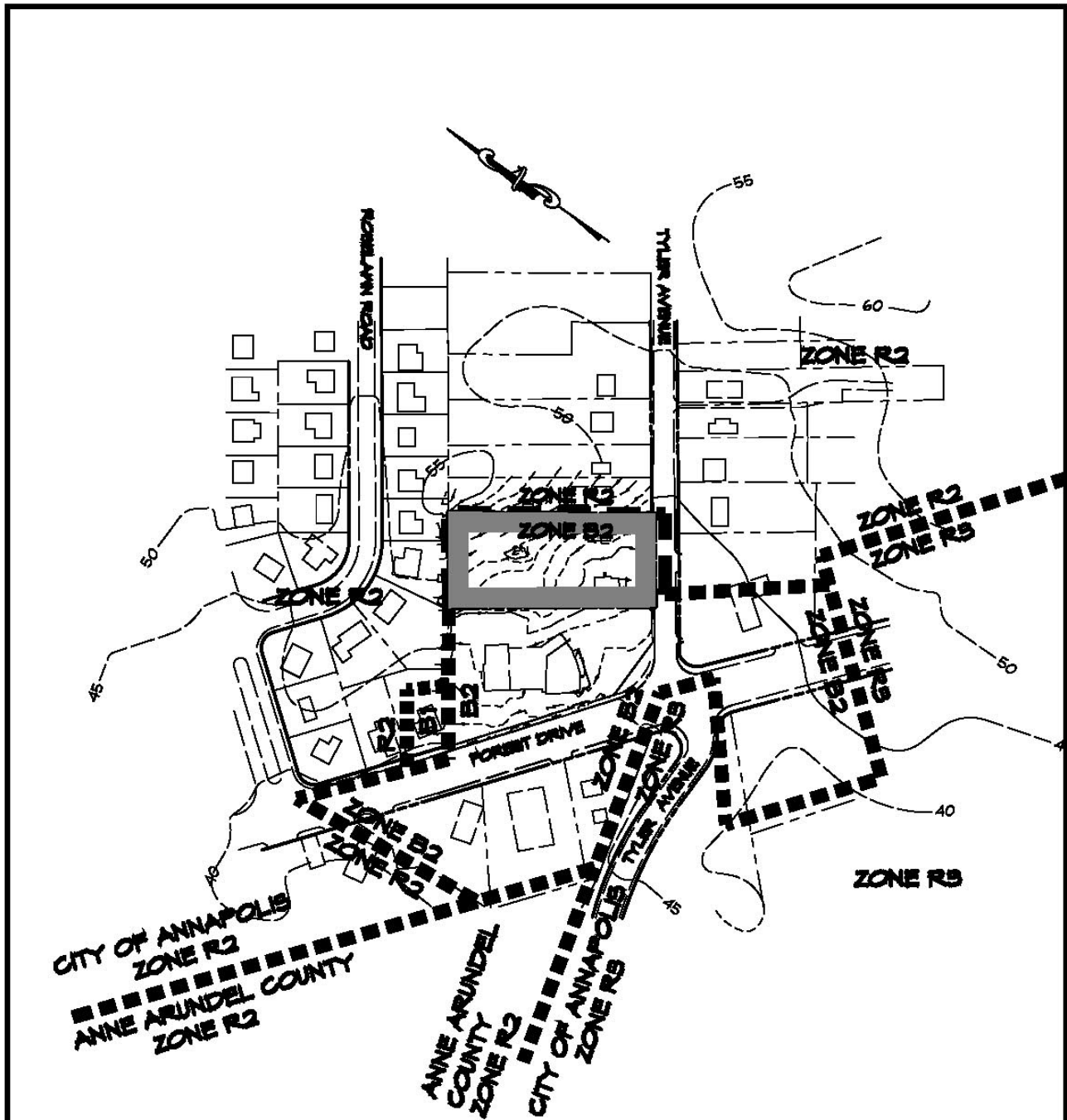


EXISTING ZONING TOPOGRAPHY MAP

SCALE: 1"=200'


 SIGMA ENGINEERING	43 OLD SOLOMONS ISLAND ROAD SUITE 201 ANNAPOLIS, MARYLAND 21401 TELEPHONE (410) 266-5599 FAX (410) 266-3871	SCALE: AS SHOWN	REZONING PLAN
		DATE: MAR. 30, 2004	SBOT CRAN LIMITED PARTNERSHIP
		DRAWN BY: WR	1244 & 1246 TYLER AVENUE
		DESIGNED BY: WR	TAX MAP: 14Z BLOCK: 20
		CHECKED BY: VWH	PARCEL: 266, 267
		JOB NO. 98-18	6TH ELECTION DISTRICT
		SHEET 2 OF 2	ANNE ARUNDEL COUNTY, MARYLAND
			\\SIGMA\DC\PROJECTS\98-18\DWG\REZONING-SHT2.DWG

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PROPOSED ZONING TOPOGRAPHY MAP

SCALE: 1"=200'

 <p>SIGMA ENGINEERING</p>	<p>43 OLD SOLOMONS ISLAND ROAD SUITE 201 ANNAPOLIS, MARYLAND 21401 TELEPHONE (410) 266-5599 FAX (410) 266-3871</p>	SCALE: AS SHOWN	REZONING PLAN
		DATE: MAR. 30, 2004	5804 CRAIN LIMITED PARTNERSHIP
		DRAWN BY: WR	1244 & 1246 TYLER AVENUE
		DESIGNED BY: WR	TAX MAP: 14Z BLOCK: 20
		CHECKED BY: VWH	PARCEL: 266, 267
		JOB NO. 98-18	6TH ELECTION DISTRICT
		SHEET 2 OF 2	ANNE ARUNDEL COUNTY, MARYLAND
			\\SIGMA\CD\PROJECTS\98-18\DWG\REZONING-98T2.DWG